

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

JOHNNY HUGHLEY, )  
Plaintiff, )  
v. ) CIVIL CASE NO. 3:19-cv-775-ECM  
CITY OF OPELIKA, AL, *et al.*, ) (WO)  
Defendants. )

## **MEMORANDUM OPINION and ORDER**

On November 23, 2022, the Magistrate Judge entered a Recommendation (doc. 23) to which no timely objections have been filed. Upon an independent review of the file and upon consideration of the Recommendation, it is

**ORDERED** as follows that:

1. the Recommendation of the Magistrate Judge is ADOPTED;
  2. the Plaintiff's 42 U.S.C. § 1983 claims against the City of Opelika are DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
  3. the Plaintiff's 42 U.S.C. § 1983 claims against Geoff Yeager are DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii);
  4. the Plaintiff's 42 U.S.C. § 1983 claims against Jeffrey Tickal are DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii); and
  5. this case is DISMISSED prior to service of process under 28 U.S.C. § 1915(e).

A separate Final Judgment will be entered.

DONE this 4th day of January, 2023.

/s/ Emily C. Marks  
EMILY C. MARKS  
CHIEF UNITED STATES DISTRICT JUDGE